

## **REMARKS**

This amendment is submitted in response to the non-final Office Action mailed November 8, 2007 ("Office Action"). After entry of this amendment, claims 1-18 will be pending. Claims 1, 4, and 5 are independent. In the Office Action, the Examiner:

- objected to the specification because of an informality in paragraph [0073];
- objected to drawings 2B, 8A-C, 9B, and 10-13 because of issues relating to reference numerals;
- objected to claims 1-3 because of an informality in claim 1; and
- rejected claims 1-18 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-19 of U.S. Patent No. 6,748,258 to Mueller et al. ("Mueller").

The claim to priority in the specification has been amended to correctly identify the present application as a divisional and to correct a formal matter. Paragraphs [0073] and [0087] of the specification have been amended to correct formal matters. Drawings 2B, 8B, 8C, 9B, and 10 have been amended to correct formal matters. Replacement drawings are attached hereto as Exhibit A. Claim 1 has been amended to correct a formal matter. Claim 2 has been amended for clarification. Support for the amendments to claims 1 and 2 appears at paragraph [0011] of the specification as filed. No new matter has been added.

### ***Amendment to Claim to Priority***

Applicants have amended the specification to update the priority information and clarify that the present application is a divisional of parent application Serial No. 09/706,584 ("the '584 application"), now U.S. Patent No. 6,748,258. The claims which are currently pending in the present application include claims that were present in the '584 application but were not elected and were withdrawn during the prosecution of the '584 application as a result of a restriction requirement. These claims have not been rejoined or examined in the '584 application or any related applications. As such, this application is a divisional (instead of a continuation) of the '584 application.

### ***Objections to the Drawings***

The Examiner objected to Fig. 2B as failing to show reference numeral 42. Applicants respectfully submit that the present Fig. 2B does indeed show reference numeral 42. Therefore, Applicants respectfully request that this objection be withdrawn.

The Examiner also objected to Fig. 2B for failing to show reference numeral 48. Applicants have submitted a replacement drawing, wherein replacement Fig. 2B shows reference numeral 48. Therefore, Applicants respectfully request that this objection be withdrawn.

The Examiner objected to Figs. 8A-C for failing to show reference numeral 144. Applicants have submitted replacement drawings for Figs. 8B and 8C, wherein replacement Figs. 8B and 8C show reference numeral 144. Also, since reference numeral 144 designates a blade, which does not appear in Fig. 8A, inclusion of reference numeral 144 in Fig. 8A is not necessary. Therefore, Applicants respectfully request that this objection be withdrawn.

The Examiner objected to Fig. 10 for failing to show reference numeral 174. Applicants have submitted a replacement drawing, wherein replacement Fig. 10 shows reference numeral 174. Therefore, Applicants respectfully request that this objection be withdrawn.

The Examiner objected to Figs. 9B and 10-13 because reference numerals 156, 158, and 160 are used to designate more than one feature. Applicants have submitted a replacement drawing for Fig. 9B, wherein replacement Fig. 9B shows reference numerals 155a, 155b, and 155c instead of numerals 156, 158, and 160. Applicants have amended the discussion of Fig. 9B in paragraph [0087] of the specification accordingly. Therefore, Applicants respectfully request that this objection be withdrawn.

#### ***Objection to the Specification***

Paragraph [0073] of the specification is objected to because of the reference to "Fig. 6" rather than figures 6A-B. This paragraph has been amended to refer to "Figs. 6A-B." Therefore, Applicants respectfully request that the objection to the specification be withdrawn.

#### ***Objection to the Claims***

Claims 1-3 are objected to because of the recitation of "ultrasonic injury" rather than "ultrasonic stimulus" in claim 1. Claim 1 has been amended to recite "ultrasonic stimulus." Therefore, Applicants respectfully request that the objection to claims 1-3 be withdrawn.

#### ***Double Patenting Rejection***

Claims 1-18 are rejected on the ground of nonstatutory obviousness-type double

patenting as unpatentable over claims 1-19 of Mueller. While not agreeing with the Examiner's rejection but in order to expedite prosecution, Applicants have filed a terminal disclaimer herewith and therefore respectfully request that this rejection be withdrawn.


### CONCLUSION

It is believed that claims 1-18 are in condition for allowance. Should the Examiner not agree with any of Applicants' positions or arguments herein, a telephonic or personal interview is respectfully requested to discuss and resolve any remaining issues.

Aside from the \$130 fee for the terminal disclaimer filed herewith, no fee is believed due for this response. Should any additional fee(s) be due at this time, please charge such fee(s) to Jones Day Deposit Acct. No. 50-3013.

Date: February 5, 2008

Respectfully submitted,



Kenneth S. Canfield

For: Gidon D. Stern

**JONES DAY**

222 East 41st Street

New York, New York 10017

(212) 326-3939

58,442

(Reg. No.)

Reg. No. 27,469

## APPENDIX A

Replacement drawing sheets follow.